

Procedure for Headquarter Review of “Nationally Significant ”EIS Comment Letters

Nationally Significant (NS) NEPA 309 Letters are:

1. Projects that an agency head, Congressional representative, state governor, or tribal leader will likely contact the Administrator.
2. Projects EPA anticipate a EU or 3 Rating.
3. Special Categories that the Administrator’s Office (AO) has expressed an interest.

Special Categories Environmental Impact Statements

1. Proposed LNG terminals and Deepwater Ports
2. New Nuclear Power Plants
3. Proposed projects that may have significant impacts in another Region.
4. Precedent-setting projects.

Process:

1. As soon as the Region determines national significant status the Region enters into SCOUT, and briefs Division Director, notifies OFA.
2. Within 20 calendars days of receipt of Draft EIS, the Region notifies the Director of Office of Federal Activities (OFA) initiates coordination with OFA Federal Agency Liaison.
3. No later than 10 working days prior to the close of comment period, the Region submits draft comment letter to OFA for review by Headquarter program offices and OGC. The Regional Administrator or his delegate is briefed on project and rating.

The Region’s draft letter must reflect input from regional associate reviewers (e.g., water and air program staff).

The appropriate Regional Directors will concur on draft comment letter.

4. Within 3 days OFA will submit Headquarter’s comments to the Region’s Principal Reviewer (PR) in the Region.
5. The Region will finalize the comments letter and submit to OFA within 2 working days of close of comment period for approval. A brief summary to include major concerns should accompany the letter.
6. Prior to close of comment period, OFA will coordinate within the AO and obtain concurrences of the AA’s for OECA, appropriate AA Offices, and OGC. The AO will notify the RA that the letter can be signed and sent.